

# **EXHIBIT K**

Volume III

Pages 1-64

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

C.A. NO. 03-12551-NG

FRANK SACO, :  
Plaintiff, :  
 :  
vs. :  
 :  
TUG TUCANA and :  
TUG TUCANA CORPORATION, :  
Defendants. :

CONTINUED DEPOSITION of FRANK SACO, taken on behalf of the Defendants, pursuant to the applicable provisions of the Massachusetts Rules of Civil Procedure, before Barbara M. Montijo, a Registered Professional Reporter and Notary Public within and for the Commonwealth of Massachusetts, at the offices of Clinton & Muyzka, P.C., One Washington Mall, Boston, Massachusetts, on October 30, 2006, commencing at 2:00 p.m.

DUNN & GOUDREAU  
COURT REPORTING SERVICE, INC.  
One State Street  
Boston, MA 02109  
(617) 742-6900

ORIGINAL

1 taxes since 2002?

2 A. Correct.

3 Q. Now, these deals that you have with Mr. Miles  
4 and Mr. Lane, are they structured in such a way  
5 that you would make the \$17,000 threshold?

6 A. Huh? Oh, I'm over 65 now. It makes no  
7 difference. Believe me, I still wouldn't be  
8 there.

9 Q. Have you talked to Mr. Lane about that?

10 A. No, I haven't. Well, I talked to him originally  
11 about it. He said until I was 65.

12 Q. Mr. Lane's your accountant, correct?

13 A. Yes. No reason not to doubt him. He's been  
14 doing my stuff since I was 18.

15 Q. And he continues to do it?

16 A. He still does. He's the town accountant. I  
17 mean, come on, I would think he'd be on the  
18 level.

19 MR. KENNEALLY: Can we mark these?

20 (EXHIBIT 7 MARKED FOR IDENTIFICATION)

21 Q. Mr. Saco, I want to show you what's been marked  
22 as Exhibit Number 7 for identification. Can you  
23 take a look at that for me, please?

24 MR. KEANE: Off the record.

1 (OFF THE RECORD)

2 (WITNESS PERUSING DOCUMENT)

3 Q. Do you recognize those documents?

4 A. Yes, I do.

5 Q. What are those documents, sir?

6 A. Those were prepared for when I was casted up, I  
7 believe, and I was being cared for at my house.

8 Q. What's the first date indicated on that  
9 document, sir?

10 A. 7/13/06.

11 Q. As far as --

12 A. Oh, I'm sorry.

13 Q. -- the treatment outlined on the document, sir?

14 A. March 3rd, '06. Transportation to/from Brigham  
15 & Women's Hospital for day surgery.

16 Q. Can you read the last date on the document for  
17 me, please?

18 THE WITNESS: On the back?

19 MR. KENNEALLY: Yes, sir.

20 A. April 16th, 2006.

21 Q. Now, these are itemized charges for -- strike  
22 that. These are itemized dates for services  
23 rendered by a home health care certified nurse,  
24 is that correct, sir?

1 A. Yes.

2 Q. Who is the home health care certified nurse that  
3 gives you these treatments?

4 A. Laurie Carr. Not treatments.

5 Q. Is Laurie Carr your daughter, sir?

6 A. Yes. She's the one that works at the assisted  
7 living in Beverly.

8 Q. And those bills are for, if I can read this,  
9 you said, March 3rd, 2006. So, Laurie drove  
10 you to Brigham & Women's Hospital on that day?

11 A. Correct.

12 Q. Was that day surgery, sir?

13 A. Yes.

14 Q. And she drove you home on that day?

15 A. Yes.

16 Q. Was Laurie your principal driver to your  
17 surgeries here in Boston?

18 A. Most of the time. One daughter one time.  
19 Girlfriend one time. You know, I can't  
20 remember.

21 Q. Now, did Laurie prepare lunch, breakfast, and  
22 dinners as outlined in Exhibit 7?

23 A. Yes. She didn't come three times a day to do  
24 that. She would come and prepare meals.

1 Q. Why don't you explain that to me? How does it  
2 work?

3 A. She would come on her time off, knowing that she  
4 wouldn't be paid until this mess got cleaned  
5 up. She knew that she wasn't going to get paid  
6 for who knows how long and it was a second job  
7 for her. It was a good way for her to save  
8 money. Actually, I asked her about it because  
9 she was cheaper than anyone else I looked into.

10 Q. What other facility did you look into?

11 A. I asked around to some people and it was  
12 anywhere from 25 to \$40. The home -- I don't  
13 know what they charged. You've probably got a  
14 bill for that. The home health aide nurse that  
15 came or whatever. You know, I know she was  
16 pretty expensive. And as long as Laurie came  
17 and got my laundry done and got my shopping  
18 done, got my meals, kept my house clean, she  
19 could do it on her own hours.

20 Q. Now, you mentioned earlier that Laurie works in  
21 Beverly; is that correct?

22 A. Yes.

23 Q. She works with one person in Beverly?

24 A. No, no. She works in a home assisted living



1 care facility.

2 Q. What's the name of that company?

3 A. You know what, I don't know.

4 Q. Is it in Beverly?

5 A. Yes. It's in Monument Square; that's all I  
6 could tell you.

7 Q. Do you know what street it is?

8 A. No, I don't.

9 Q. How long has Laurie been working there?

10 A. I'm saying maybe seven, eight years.

11 Q. How long has she been a certified nurse's aide?

12 A. Oh, God, since she was 17. Probably 25,  
13 30 years. She's 45, 6, somewhere in there.

14 Q. Now, over the course of discovery in this  
15 matter, your counsel also produced records for  
16 services rendered by, I'm assuming, Laurie, for  
17 the period of June 2nd, 2005 until October 11th,  
18 2005, does that sound about right?

19 A. If that's what it says. You had all the correct  
20 information at the time I got it.

21 Q. It's your understanding that the submission of  
22 those bills are for Laurie's time in assisting  
23 you while you were disabled; is that right?

24 A. Correct. And her usual charge per hour is \$20

1 per hour. I think usually she gets more.

2 Q. How much more, do you know?

3 A. I don't know. I didn't ask.

4 Q. You mentioned earlier that she's doing this  
5 work for yourself outside the scope of her job  
6 at this facility in Beverly?

7 A. Correct.

8 Q. Now, did Dr. Chiodo or any other doctors, like  
9 Dr. Barrett, did they prescribe this type of  
10 assistance for you?

11 A. What I did was, when I got home from the  
12 hospital, or before I went, I'm saying like I've  
13 got a 94-year-old mother here, I can't handle  
14 that and I can't handle myself and, you know,  
15 what can I do? Whether it was my doctor, or my  
16 attorney, or a friend or who it was, I don't  
17 know, said you're entitled to get help. You're  
18 going to have to have someone come in and take  
19 care of you for a while; and that's how it came  
20 about.

21 Q. Did Laurie help with your mom at that time?

22 A. Laurie always helps with my mom. She always  
23 has.

24 Q. So, when Laurie shows up on these days to help



1           might have. I know I probably mentioned it or  
2           probably brought it up because I know there was  
3           a problem between Mass. Health and Marine Safety  
4           Consultants.

5       Q.    Do you have copies of those letters yourself?

6       A.    I could look at my records.

7       Q.    Can you look for me and give them to Mr. Keane?

8       A.    Absolutely. I can't guaranty you I'll find  
9           them, but I'm sure I probably have them.

10      Q.    So, you're going to look for letters that you  
11           sent to Mass. Health and letters that Mass.  
12           Health sent to you?

13      A.    Anything to do with Mass. Health I'll put them  
14           together and get them to Brian, hopefully. I  
15           don't think I would throw them out. It's just a  
16           question of digging them up, you know.

17      Q.    When was the last time you received a  
18           maintenance check?

19      A.    Two weeks ago Saturday.

20      Q.    How much was that for, sir?

21      A.    210.

22      Q.    Have you actually paid Laurie for her  
23           treatments?

24      A.    No.

1 Q. Strike that. Have you actually paid Laurie for  
2 her invoices?

3 A. No.

4 Q. So, she expects to be paid by Marine Safety  
5 Consultants or my client or our client?

6 A. She expects to be paid from one. It was on my  
7 promise. I didn't think it would be a big deal,  
8 but I told her it might take her a while.

9 Q. Do you have any employment opportunities lined  
10 up in the next few weeks, sir?

11 A. No, I don't.

12 Q. Are you going to continue to search for a job?

13 A. I have to. I'm doing the best I can. I'm  
14 taking anything that comes my way.

15 Q. Have you received any bills from Cape Ann  
16 Physical Therapy for the treatment you've had?

17 A. No, I haven't. I'm sure I will be.

18 Q. On August 2nd, 2006 you went to Dr. Chiodo,  
19 which I believe was the last time you saw him,  
20 does that sound correct?

21 A. That would be right.

22 Q. At that time he said a prescription was  
23 provided, and I'm just reading from his  
24 treatment note here. Do you know what that